

TRIAL EXHIBIT 5322

From: Rich Miner.
 To: [-] Andy Rubin.
 Cc: [-] .
 Bcc: [-] .
 Subject: Re: Android announce at 3GSM.

Andy,

I think we probably should here are some random thoughts on why I think that along with a dump of issues:

Why announce:

- if we wait then other soln's will have a much better chance of getting traction. I don't think that they will be that much further along in terms of a complete platform (I am thinking QT, Access, etc). As a case in point, if we were not doing what we are doing, SavaJe would prob have gotten more funding.
- Assist with partnerships. The hardware guys (like Moto) will want to get their ducks in a row before we announce. They will realize that we only have so much bandwidth and if they don't jump on board then others will take their place. The software guys will all want to be a part of it.
- Help with carrier deals. All will realize that the chance of doing something exclusive with us in their key markets will be near impossible once we launch. Having a launch date will be a strong sales tool to have contracts completed.

What do we announce: pick one or more of the following:

1. Google Phone (Sooner?)
 2. OS
 3. Alliance
 4. Carrier Partners (signed on to-date)
 5. OEMs (would moto show FNDR that far before launch, I doubt it)
- (think we should at least announce 1, 2 & prob 3).

Issues:

- We will have to show a phone. That means that we will have significant preasure to shop sooner. We better make sure we want to ship it.
- It will be hard to have press photo's of the device and UI before the event.. given how much work we still have to do. I think this can be ok, but we have to manage it.
- We will need FT staff to handle the requests that come in.
- We will need our 3rd party developer program to be ready
- We will need to have accurate dates for us to ship units to developers and for FCS for the 1st devices
- Might we still do an Orkut phone under this scenario?
- do we show other designs (dream, etc. or just keep those for later)

Negatives:

- puts lots of pressure on schedule (prob as much a positive)
- gives a heads up to competition (but what are they going to do about it)
- we need to get the UI nailed down!

Anyway, just some initial random thoughts. I will keep them coming.

How about Chinese tomorrow night?

..Rich

On 10/23/06, Andy Rubin <arubin@google.com> wrote:

What do you think? Should we announce?

Begin forwarded message:

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
TRIAL EXHIBIT 5322
 CASE NO. 10-03561 WHA
 DATE ENTERED _____
 BY _____
 DEPUTY CLERK

From: Jim Holden <jholden@google.com>
Date: October 23, 2006 6:01:14 AM PDT
To: "Christian Hernandez Gallardo" <christianh@google.com>
Cc: Andy Rubin <arubin@google.com>
Subject: Re: Fwd: Android announce at 3GSM

[adding Andy]

Christian,

I agree with you. There is no reason to hold back on an Android announcement at 3GSM if the Android team is ready.

Having said that, we will need to plan and execute the messaging very very carefully. It is important for the world to understand what Android is not trying to do (or at least the key players both operators and oems to understand that). We want folks to see how Android complements the market and can bring distinct benefits for operators and oems.

This is not easy messaging. The message is both subtle and forward-looking, and is also slightly different for operators and oems. It is far easier for the press to just write, "Google phone to take over the world," than to get the reality across.

If the Android team feel that they are ready to announce at the time of 3GSM, then we need to make sure that we have before that time had all the senior private conversations with our wireless partners and key potential partners, and then make a pre-announcement to them and private Q&A shortly before, so that they have it straight at least in their own heads.

Andy, working around your surgery of course, we would like to get you confirmed for a week in November so that we can come together for some top level Android discussions with O2 Germany, Vodafone, Carphone Warehouse, Brightstar, Telecom Italia and Telefonica.

Thanks,
Jim

At 13:44 23/10/2006, Christian Hernandez Gallardo wrote:

Jim, FYI on a dialogue with Andy over the weekend. I'd like to discuss with you to ensure that we are on the same page...

----- Forwarded message -----

From: Christian Hernandez Gallardo <christianh@google.com >
Date: Oct 21, 2006 8:14 PM
Subject: Re: Android announce at 3GSM
To: Andy Rubin <arubin@google.com >

Andy,

My opinion is that we should announce at 3GSM because:

- its the one week where the world press focuses on mobile, and if the objective is to shake up the industry, this is the event with the most impact.

- It enables us to have much easier and more open conversations with potential partners (operators, OEMs, retailers) to generate demand for Sooner

- it does not affect our existing business. If appropriately positioned our mobile search efforts are separate and distinct from Android. TIM, as an example, already understands the value we offer for mobile search and separately, the value a google phone-experience provide. Same with Motorola who will deliver an Android phone but a dozen of search-enabled phones. I believe Jim and Emmanuel Sauquet (APLA Biz Dev lead) would agree.

The question becomes, when do we announce if not at 3GSM? Not until CTIA?

Hope that adds one more voice to the discussion.

Christian

On 10/21/06, Andy Rubin < arubin@google.com> wrote:

Christian,

I'd like your opinion... Should we announce? Sounds like it could be disruptive to the efforts of the greater wireless team.

On Oct 21, 2006, at 9:28 AM, Christian Hernandez Gallardo wrote:

Andy,

I understand Erin Fors will be sitting down with you next week to discuss the announce plans.

We are beginning the planning for 3GSM with the European marketing team and this will, of course have an impact.

We'll await your feedback via Erin.

Thanks,

Christian

----- Forwarded message -----

From: Christian Hernandez Gallardo < christianh@google.com >

Date: Oct 17, 2006 5:20 PM

Subject: Android announce at 3GSM

To: Andy Rubin < arubin@google.com>

Cc: Lorraine Twohill < lorraine@google.com>, michaela@google.com, Jim Holden <jholden@google.com>

Andy,

During our Taiwan trip you indicated that Larry was very interested in announcing Android at CES and that you were promoting 3GSM as a more appropriate venue. We agreed at that time to follow up in a few weeks.

As Lorraine and her team start planning for our presence and event strategy for 3GSM, we wanted to find out what the latest feedback was from EMG and the Android team RE: the announcement timeline.

In either case, Android being public by CES or at 3GSM means that we need to plan to be able to show the phones and the OS to the industry and the press during the one week of the year when everyone is focused on Telecom.

Please let us know whether the decision has been made on which event you plan to announce at. Also, note that Eric has already been invited to be a keynote at 3GSM.

Thanks

Christian

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